

BACKGROUND SCREENING FREQUENTLY ASKED QUESTIONS

(05/2013)

GENERAL QUESTIONS	
Who is required to have criminal background screenings completed?	Owners, members of the governing body, directors, employees, providers of care, volunteers, anyone who lives in the home or facility age 12 and older, and anyone who has unsupervised contact with a child in care are required to have background screenings completed..
What is the time frame for submitting initial background screening documents?	<p>New Licenses and Certificates: All background screening forms, fingerprints, and fees for individuals age 18 and older must be submitted and the individuals cleared before a new license or certificate is issued.</p> <p>Existing Licenses and Certificates: Licensees and Certificate Holders must submit required background screening documents within 5 working days of a person's first day of volunteering, a person's first day of work, a new person age 12 or older moving into the home or facility, and any child residing in the home or facility turning 12 years old. Child Care Licensing staff will use the postmark date on the envelope or the date the documents were hand delivered to determine if the required documents were submitted within the 5 working days.</p>
A caregiver worked for another child care facility and had her background screening done there. Can I copy that for her to work at my facility?	No. Background screening documents need to be submitted for each licensed facility or home. However, fingerprint cards and fees are not required for people who previously submitted them to Child Care Licensing and they have not lived out of the state since that submission. When this is the case, note this on the background screening form and include in the note where the person was employed when the fingerprint card was submitted.
Do volunteers have to have criminal background screenings completed?	Yes. Anyone providing care to children, whether or not he/she is paid, needs to complete background screenings.
Do I have to submit background screening documents for staff or volunteers who work for less than five days?	Yes. Rule requires that background screenings are completed for all staff and volunteers, regardless of the number of days they work or volunteer. You have five days after their first day of working or volunteering to submit the required documents.
Can I fax the required documents?	No. You must submit the completed form with the signature and the form must be completed in blue or black ink. Faxed copies cannot be accepted.
Does a background clearance completed by another state agency count?	No. A background screening needs to be completed by the Child Care Licensing staff.

Do parents who volunteer in the child care facility need to submit background screening documents?	<p>If parents never have unsupervised access to any child other than their own, they do not need to submit background screening documents. However, if they are ever going to be left unsupervised with any other child in care, they need to submit background screening documents.</p>
When do special guests need a background screening done?	<p>If parents or guardians of children have agreements (such as an IEP or an IFSP) with a school or other agency to have their child receive services while in care, the individuals providing those services are not required to have background screenings done through Child Care Licensing. The children will be considered under the care of the school or other agency during the time they are receiving services.</p> <p>Special guests, such as those who present puppet shows or give dance lessons, do not need background screenings done unless they are left alone with the children.</p>
Do I have to submit background screening documents for people who were fired/quit and then came back to work?	<p>Yes. If people quit or were fired and then return to work and were not considered employees during the time they were gone, you have to submit new initial background screening documents when they return to work.</p> <p>If people are on leave (for example, maternity leave) and are considered employees while they are on leave, include their information on your renewal background screening forms. However, if their leave is longer than 90 days, you need to submit new initial background screening documents when they return to work.</p>
Do I need to submit a fingerprint card? Where can I get a fingerprint card? Where can I get my fingerprints done? How much does it cost?	<p>For facilities licensed or certified after June 30, 2013: All new covered individuals who are 18 years of age and older are required to submit fingerprint cards and fees with their initial background screening forms.</p> <p>For facilities licensed or certified before July 1, 2013: All new covered individuals who are 18 years of age and older who have not continuously resided in Utah for the past five years are required to submit fingerprint cards and fees with their initial background screening forms. Individuals who turned 18 after they moved to Utah do not have to submit fingerprint cards and fees.</p> <p>Fingerprint cards are available at the Child Care Licensing offices or by calling Public Safety at 801-965-4445.</p> <p>Fingerprints must be done at a local law enforcement office or a Public Safety office.</p> <p>There is a \$36.50 fee for Child Care Licensing staff to process fingerprints.</p>

If I submitted a fingerprint in the past, and I want to work for another program or center, do I need to submit fingerprints again?	<p>If you have continuously lived in Utah since you submitted the fingerprints you do not have submit fingerprints again. When this is the case, make a note on the background screening form and include in the note where you were working when you submitted the fingerprints.</p> <p>If you have not continuously lived in Utah since you submitted the fingerprints you have to submit new fingerprints and a \$36.50 fee with the initial background screening form.</p>
Who do I list on the background screening renewal form and disclosure form?	List everyone who has an cleared initial background screening, including all owners, board members, staff, and anyone living in the home or facility who is 12 years old and older. If facility owners live out of state and are never in the facility, list them on an out-of-state attestation form.
If someone just received a cleared initial background screening, does he/she need to be listed on the renewal form.	Yes, if you have received the initial clearance in the mail.

FROM HOME PROVIDERS	
My child is turning 12 years old next month. Can I submit the initial background screening form today?	No. Child Care Licensing has no authority to run a background screening on any child less than 12 years old. If the form is submitted before a child turns twelve, it will be returned to resubmit no more than five days after the child's birthday.
Does a background screening need to be done if a household member has no contact with the children in care?	A background screening still needs to be completed. Utah law requires that a criminal background screening be completed for any person residing in a home where child care is provided.
If family members or friends visit me for an extended period of time, do I have to submit an Initial background screening forms (and fingerprints, if they are from out of state) for them?	<p>If visitors stay with you for less than two weeks, they are not considered to be residing at your home and you do not have to submit background screening documents for them. During the time they are there, they cannot ever have any unsupervised access to any child in care.</p> <p>If visitors stay with you for two weeks or longer, they are considered to be residing in the home and you have to submit background screening documents within five days of them arriving at your home.</p>

A family member just returned from active duty. Do I have to submit a background screening form for him? Does he have to submit a fingerprint card?	Yes, within five days of him returning home you have to submit initial background screening documents, which include a fingerprint card and a \$36.50 fee. This is required for any family member returning home after a mission, military deployment, and other similar activities outside of Utah.
My college student will be coming home for the summer. Can I include her name on the renewal background screening forms, even though she won't be here for three months?	<p>If your child is attending an in-state college you can include her name on your renewal background screening forms. If you do not include her name on your renewal forms you need to submit an initial background screening form within five days of her returning home.</p> <p>If you child is attending an out-of-state college you need to submit an initial background screening form, fingerprints, and a \$36.50 fee.</p>
My child went to school out of state, but kept our address as the permanent address. Do she need to submit fingerprint cards?	Yes. Any time she comes home for two weeks or more, you need to submit an initial background screening form, fingerprints, and a \$36.50 fee within five days of her coming home.
If a family member who previously cleared a background screening is out of the home for a short time, do I have to submit another form if he comes back home?	Yes, because he established residency at another location.
I rent out part of my home. Do I have to submit background screening documents for the tenants?	<p>You do not have to submit background screening documents for the tenants if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. The rented part of the home has a separate outside entrance, and there is no interior doorway (inside the house) between the rented out part of the home and the rest of the home; and 2. There is a signed rental/lease agreement between the you and the tenants; and 3. The rented part of the home has a separate mailing address and mailbox from the rest of the home; and 4. There is no potential for the tenants to have unsupervised access to the children in care, including when the children are playing outdoors. <p>If all of the above conditions are not met, you have to submit background screening documents for the tenants.</p>

<p>I am renting part of a home and am doing child care only in my part. Do I need to submit background screening documents for the other people living in the home?</p>	<p>You do not have to submit background screening documents if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. Your part of the home has a separate outside entrance, and there is no interior doorway (inside the house) between your part of the home and the rest of the home; and 2. There is a signed rental/lease agreement between you and the home owner; and 3. Your part of the home has a separate mailing address and mailbox from the rest of the home; and 4. There is no potential for the individuals living in the part(s) of the home not rented by you to have unsupervised access to the children in care. <p>If all these conditions are not met, you have to submit background screening documents for the other people living in the home.</p>
<p>If my mother (sister, friend, other relative, etc.) only comes to care for the kids when I get my nails done (go to a doctor appointment, shop, etc.). Does she still need a background screening?</p>	<p>Yes, because he/she has unsupervised contact with the children.</p>

FROM CENTER PROVIDERS	
<p>Do children 12 years of age and older need background screenings done if they are enrolled at the center?</p>	<p>Children in care that are 12 years of age or older do <u>not</u> need background screenings completed unless they help out in a classroom with younger children.</p>
<p>Do I have to submit background screening documents for out-of-state owners and/or board members?</p>	<p>If they are ever in the facility you need to submit background screening documents. If they are never in the facility you can submit an out-of-state attestation form.</p>
<p>Do I have to submit screening documents for staff who never have unsupervised access to children?</p>	<p>Statute requires that all owners, employees, directors, governing board members, substitute caregivers, volunteers, and caregivers have background clearances. So, you need to submit background screening documents for all staff, whether or not they have unsupervised access to children.</p>

We have a cleaning agency and different people from the agency clean our center in the evenings. Do I have to submit background screening documents for them?	If they are not employees of the facility (they are employees of the cleaning agency) and they do not have unsupervised access to the children, you do not have to submit background screening documents for them.
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OTHER QUESTIONS	
Why do you look at juvenile records?	Statute requires that Child Care Licensing staff check juvenile records for covered individuals in a regulated child care facility.
Why can't a person be cleared if the criminal problem is not related to children?	Statute outlines specific criteria that has to be met before someone can be cleared to work at a regulated child care facility.
Which criminal problems will allow a person to be cleared and which won't?	<p>Child Care Licensing staff will not clear individual for with felonies, misdemeanor A's, and some misdemeanor B's and C's. Child Care Licensing staff will not clear individuals with charges under the criminal code 76-5, which are crimes against people. Child Care Licensing staff will not clear individuals with charges of anything sexual; the sale or supply of alcohol or tobacco to minors; contributing to the delinquency of a minor; battery; and/or assault.</p> <p>Rule allows some individuals to be cleared if they had a misdemeanor A conviction if the conviction is more than 10 years old, there have been no subsequent convictions, and the conviction is not something that always, regardless of the severity, results in a denial. Rule also allows exceptions for some individuals who have been denied and their conviction is a Misdemeanor A and it has been five years or longer since the conviction. In these cases, the applicant has to apply for expungement and submit a note from the Licensee of Certificate Holder that states that the person will not have unsupervised access to the children during the time it takes get his/her record expunged. For more information on these exceptions, contact the Background Clearance Unit Supervisor at 801-883-4675.</p>
If a person had a DUI, can he/she still work for a regulated child care facility?	He/she can not work at the child care facility if the DUI was a Misdemeanor A or a felony, or if it was a Misdemeanor B or C and a child was involved.

<p>What needs to be done to get a criminal problem expunged?</p>	<p>For Juvenile Records: The applicant must first get verification from the Department of Public Safety that he/she does not have an adult record. Then the applicant must submit that verification to the juvenile court and petition the court where he/she was convicted to have his/her record expunged.</p> <p>If the applicant has an adult record, he/she must expunge the adult record before he/she can expunge the juvenile record.</p> <p>For Adult Records: The applicant must apply to the Department of Public safety to have his/her record expunged. Public Safety staff will send a letter to the applicant stating if he/she is eligible for expungement. If the applicant is eligible, he/she then must petition the court where he/she was convicted to have his/her record expunged.</p> <p>Eligibility for expungement is based on how long ago the crime was committed and the total number of misdemeanor A's, misdemeanor B's and felonies the person has.</p>
<p>Can denials be appealed?</p>	<p>Denials can be appealed within 30 days of receiving them. However, the statute is very specific when it comes to denials.</p>
<p>How long do I have to keep background screening forms?</p>	<p>Initial background screening forms should be kept at the facility for at least one year. The most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" and "Disclosure & Consent Statement" should be kept on site. All current attestation forms also should be kept on site.</p>